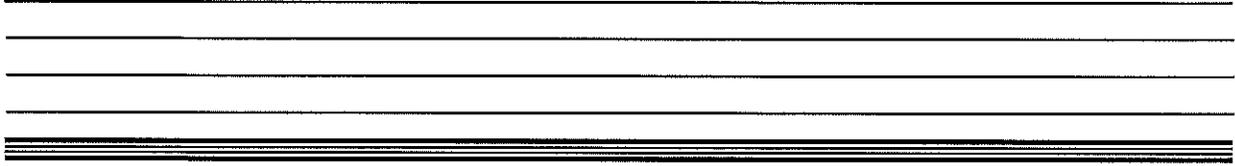


Oversight Division

Committee On Legislative Research

SUNSET REVIEW

**BREAST CANCER AWARENESS
TRUST FUND**



Sunset Review
BREAST CANCER AWARENESS
TRUST FUND

*Prepared for the Committee on Legislative Research
by the Oversight Division*

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Committee on Legislative Research Oversight Subcommittee

THE COMMITTEE ON LEGISLATIVE RESEARCH, Oversight Division, is an agency of the Missouri General Assembly as established in Chapter 23 of the Revised Statutes of Missouri. The programs and activities of the State of Missouri cost approximately \$24.0 billion annually. Each year the General Assembly enacts laws which add to, delete or change these programs. To meet the demands for more responsive and cost effective state government, legislators need to receive information regarding the status of the programs which they have created and the expenditure of funds which they have authorized. The work of the Oversight Division provides the General Assembly with a means to evaluate state agencies and state programs.

THE COMMITTEE ON LEGISLATIVE RESEARCH is a permanent joint committee of the Missouri General Assembly comprised of the chairman of the Senate Appropriations Committee and nine other members of the Senate and the chairman of the House Budget Committee and nine other members of the House of Representatives. The Senate members are appointed by the President Pro Tem of the Senate and the House members are appointed by the Speaker of the House of Representatives. No more than six members from the House and six members from the Senate may be of the same political party.

Sunset reviews are assigned to the Oversight Division pursuant to Sections 23.250 to 23.298. After August 28, 2003, any new program authorized by the General Assembly shall sunset not more than six years after its effective date unless reauthorized by the General Assembly. The Oversight Division shall conduct a performance evaluation of the program as set forth in statute and prepare a written report. The report shall make recommendations on the sunset, continuation, or reorganization of a program.

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**COMMITTEE ON LEGISLATIVE RESEARCH
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Members of the General Assembly:

The Joint Committee on Legislative Research is required by Section 23.259.1(3), RSMo to conduct performance evaluations of sunseting programs to determine and evaluate program performance in accordance with program objectives, responsibilities, and duties as set forth by statute or regulation. The Oversight Division has reviewed the following programs:

- Alternative Fuel Infrastructure Tax Credit
- Breast Cancer Awareness Trust Fund
- Rebuild Missouri Schools Program
- Wartime Veteran's Survivors Grant Program
- Big Government Get Off My Back Act Income Tax Deduction

The reports include Oversight's comments on (1) the sunset, continuation, or reorganization of the programs, and on the need for the performance of the functions of the programs; (2) the duplication of program functions; (3) the appropriation levels for each program for which sunset or reorganization is recommended; and possibly (4) drafts of legislation necessary to carry out the committee's recommendations pursuant to (1) and (2) above.

We hope this information is helpful and can be used in a constructive manner for the betterment of the state program to which it relates. You may obtain a copy of the reports from the Oversight Division website at <http://www.moga.mo.gov/htmlpages/losunsetreview.html>.

Respectfully,


Senator Brad Lager
Chairman

EXECUTIVE SUMMARY

The Breast Cancer Awareness Trust Fund, as authorized by Section 143.1009, RSMo, receives contributions designated on income tax returns, gifts, bequests, and other donations through the Department of Revenue. These funds have been used to provide breast cancer programs and services throughout the state, including free breast and cervical cancer screenings through the Show Me Healthy Women program, the University of Missouri - Columbia Ellis Fischel Cancer Center mammography van program, and the Breast Cancer Foundation of the Ozarks. The responsibility of utilizing these donations shifted in 2012 from the Friends of the Missouri Women's Council to the Missouri Department of Health and Senior Services.

According to the Department of Revenue, contributions to the Breast Cancer Awareness Trust Fund have averaged \$3,383 over the last five fiscal years (\$16,916 in total), from over 837 total donations.

Oversight notes the program is in place, requires little resources to administer, and appears to provide valuable services to Missourians. Since the program is an income tax check-off consisting of taxpayers donations and requires no state funding, Oversight recommends the program be extended an additional six years to August, 2020.

Chapter 1

Purpose/Objectives

The General Assembly has provided by law that the Joint Committee on Legislative Research will conduct a performance evaluation of a program subject to the Missouri Sunset Act. The committee shall consider the criteria as listed in Section 23.268, RSMo in determining whether a public need exists for the continuation of a program, or for the performance of the functions of the program. A sunset review is the regular assessment of the continuing need for a state program to exist. A sunset review answers the basic questions of what has happened to this program since its inception and does the State of Missouri continue to “need” the services provided by the program.

The Joint Committee on Legislative Research directed the Oversight Division to conduct a Sunset Review of the Breast Cancer Awareness Trust Fund administered through the Department of Revenue and Department of Health and Senior Services (Section 143.1009, RSMo). This report provides a status on the Breast Cancer Awareness Trust Fund program as created by Truly Agreed To and Finally Passed Senate Committee Substitute for Senate Bill 1105 in the 2008 legislative session and fulfills the requirement as established by Section 23.265, RSMo.

The Oversight Division review addressed, but was not limited to the following:

1. Compiling and reviewing data related to the program since its inception.
2. Analyzing related events and changes to the program since its inception.

Scope

The Oversight Division researched the activity regarding the Breast Cancer Awareness Trust Fund for Fiscal Years 2008 through 2012. The analysis included a review of the Department of Revenue, Department of Health and Senior Services, and the Friends of the Missouri Women’s Council (later changed to Foundation for Missouri Women) data related to the program.

Methodology

The Oversight Division obtained information on the Breast Cancer Awareness Trust Fund through correspondence and interviews with the Department of Health and Senior Services, Department of Revenue, Office of Administration, and the Foundation for Missouri Women as well as review of statutes related to the program.

Background

The Breast Cancer Awareness Trust Fund (0915) is authorized (Section 143.1009, RSMo) to receive contributions designated on income tax returns, gifts, bequests, or other donations through the Department of Revenue to support breast cancer awareness activities, for each tax year beginning on or after January 1, 2008. Truly Agreed To and Finally Passed Senate Committee Substitute for Senate Bill 1105 in 2008 created the fund and all donations are to be utilized solely for the purpose of providing breast cancer services.

As originally enacted, the organization Friends of the Missouri Women's Council received the check-off box revenues from this program and distributed the proceeds. However, in 2012, Truly Agreed To and Finally Passed Senate Substitute for Senate Committee Substitute for House Bill 1807 (et al) changed the administrating agency for this fund to the Department of Health and Senior Services (DHSS). DHSS intends to utilize the funds to support the Show Me Healthy Women (SMHW) program, which provides free breast and cervical cancer screenings for Missouri residents. SMHW is currently supported by multiple funding sources, including federal and private grant funds (including the Komen Foundation) as well as the Department of Revenue's Breast Cancer Awareness license plate revenue (Section 301.3084, RSMo).

History

Individuals or corporations may donate any amount equal to or greater than \$1 per taxed entity, or may make a separate donation to the Breast Cancer Awareness Trust Fund.

Monthly, the Department of Revenue deposits all contributions to the State Treasury for credit to the Breast Cancer Awareness Trust Fund. The total dollar amounts contributed to this fund from FY 2009 to FY 2013 (through April 28, 2013) is as follows:

Table 1: Annual Donations through the Department of Revenue

YEAR	VOLUME	DONATIONS	AVERAGE	PRINCIPAL AGENCY/RECIPIENT
FY 2009	215	\$ 3,456	\$ 16	Friends / Show Me Healthy Women Program
FY 2010	191	\$ 2,890	\$ 15	Friends / Show Me Healthy Women Program
FY 2011	172	\$ 2,932	\$ 17	Winning Women / Ellis Fischel Cancer Center
FY 2012	102	\$ 2,143	\$ 21	Winning Women / Gateway to Hope, and others
FY 2013	157	\$ 5,495	\$ 35	DHSS / Show Me Healthy Women Program
TOTAL	837	\$ 16,916	\$ 20	

Sources: Department of Revenue / Department of Health and Senior Services / Foundation for Missouri Women

From inception of this check-off box through FY 2012, donation proceeds were overseen by the Friends of the Missouri Women’s Council (Friends) which then distributed funding to other entities that provided breast cancer services (including the Department of Health and Senior Services which administers the Show Me Healthy Women Program). During the 2012 legislative session, the Legislature changed the program to have the funds go directly to DHSS (instead of Friends).

In FY 2011 and FY 2012, Friends contracted with another organization, Winning Women, to oversee administration of the donations. Winning Women had a history of utilizing similar proceeds because they were already administering monies collected from the Missouri Go Red Heart Disease Awareness license plate (Section 301.3145, RSMo) for the American Heart Association.

Both organizations, Friends and Winning Women, appeared to have used the proceeds of the check-off box to fund appropriate breast cancer awareness programs. Friends primarily gave the proceeds to DHSS for their Show Me Healthy Women program; while Winning Women gave the proceeds to the University of Missouri - Columbia Ellis Fischel Cancer Center mammography van program, Gateway to Hope, the Breast Cancer Foundation of the Ozarks, and to The

Breakfast Club, Inc. Friends of the Missouri Women's Council ceased to exist on September 22, 2011 and became the Foundation for Missouri Women.

The FY 2014 budget includes a \$5,000 DHSS appropriation from this fund for community health programs and related expenses. DHSS states they will use this appropriation to reimburse providers of the Show Me Healthy Women program. This appropriation was an estimate of the amount of donations. The appropriation amount will be adjusted annually to closely reflect the prior fiscal year's contributions into the fund. The Show Me Healthy Women program will use the funding to cover screening mammograms for clients age 40-49. SMHW also provides free breast and cervical cancer screening diagnostic services to low-income, uninsured/under insured women ages 35-64. In order to qualify for this program, women must meet age, income and insurance coverage eligibility requirements. The objective of this program is to offer screening services to women who are considered high risk. The program also receives funding through a grant from the Centers for Disease Control and Prevention which has a focus on breast cancer screening for women age 50 and over. There are approximately 189 facilities throughout the state that provide these free cancer screenings.

Neither the Department of Health and Senior Services nor the Department of Revenue requested or received FTE to administer this fund. According to the subsection 143.1009.3, RSMo, DOR is allowed to retain an amount sufficient to cover the costs of collection and handling; however, DOR states they have not retained any proceeds for this. There were, however, small amounts transferred out of the fund (totaling approximately \$100 over five years) for the Missouri Central Services Cost Allocation Plan by the Office of Administration.

DHSS states they currently do not advertise the check-off box; however, they do plan to promote the use of the check-off box on the SMHW website in the future. The check-off box is listed on the Department of Revenue's website along with the twenty-three other check-off funds currently available to taxpayers.

Chapter 2

Comments

Program Continuation

Possible options available to the Missouri General Assembly include letting the program expire or extending the sunset of the program:

1. First, the General Assembly could allow the program to sunset in August, 2014 by taking no further action regarding this program.
2. Second, the General Assembly can extend the sunset up to an additional twelve years (approximately until August, 2026).
3. Third, the General Assembly could extend the program for a period of time less than the stated twelve years.

Recommendations

Oversight notes the Breast Cancer Awareness Trust Fund Program is in place and requires little resources to administer. The program appears to provide a valuable service to Missourians and is managed by the Department of Health and Senior Services. Since the program is an income tax check-off consisting of taxpayers donations and requires no state funding, Oversight recommends the program be extended an additional six years to August, 2020.